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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--------------------------------------------------------------------------------------|-------------|----------------------|-----------------------|------------------|
| 10/822,117 | 04/09/2004 | Neil H. Akkerman | 018219/00002 | 1718 |
| 22904 | 7590 | 08/23/2005 | EXAMINER | |
| LOCKE LIDDELL & SAPP LLP 600 TRAVIS 3400 CHASE TOWER HOUSTON, TX 77002-3095 | | | KIRKLAND III, FREDDIE | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2855 | |

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-----------------------------------------|----------------------------------------|--|
| Office Action Summary | Application No. 10/822,117 | Applicant(s) AKKERMAN ET AL. | |
| | Examiner Freddie Kirkland III | Art Unit 2855 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04-09-2004
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>4/9/04</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Malchow U.S. Patent 3,903,738.

With respect to claim 1, the Malchow reference teaches a system for mounting an engine comprising a "first and second bearings (i.e. bushings) each connectable to the frame and the engine to form a pivotal axis about which said engine is free to rotate relative to said frame (col. 2 lines 10-20, figure 2), said pivotal axis passing near the center of gravity of the engine and aligned other than orthogonally to the axis of the engine output shaft (figure 2, major principal axis passed through the center of gravity as shown in the figure and is not orthogonal to the output shaft 60), and a load sensing transducer including parts connectable to said frame and said engine for resisting and measuring rotational forces between said engine and said frame about said pivotal axis (col. 2 lines 39-43, one of the front engine mounts is replaced with a force transducer in order to measure torque acting on the engine), said load sensing transducer having an axis of sensitivity on a plane other than any plane which includes the pivotal axis (figures 1 and 2)."

With respect to claims 2, 10, 18 and 26 the reference teaches, "said load sensing transducer measures rotational forces in only one direction (col. 1 lines 41-45, the force transducer measures compressive force not bending force in reaction to engine torque to provide a linear force characteristic of the engine and transmission)."

With respect to claims 3, 11, 19, and 27 the reference teaches, "the first and second bearings are connectable to forward and rearward portions of the frame and

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engine and are in axial alignment to receive shaft portions on the pivotal axis at opposite ends of the engine (col. 2 lines 22-30, figure 2)."

With respect to claims 4, 12, 20 and 28 the reference teaches, "one of the bearings comprises bearing segments, each connectable to the engine and frame (col. 2 lines 48-53)."

With respect to claims 5, 13, 21, and 29 the reference teaches, "the bearing segments each having a first part guidably moveable with respect to a second part form a pivotal point on the pivotal axis (col. 2 lines 61-67, figure 6, pivot pin 36)."

With respect to claims 6, 14, 22, and 30 the references teaches, "one of said parts contains a rolling element guidably moveable in a slot in the other part (col. 2 lines 61-67, figures 4 and 6)."

With respect to claims 7, 15, 23, and 31 the reference teaches, "the other of said bearings comprises a compliant engine mount (col. 2 lines 10-12, rear mount 18)."

With respect to claims 8, 16, 24, and 32 the reference teaches, "the pivotal axis extends through the center of gravity (figure 2, major principal axis)."

With respect to claim 9, the reference teaches a system for mounting an engine comprising a "first and second bearings (i.e. bushings) each connectable to the frame and the engine to form a pivotal axis about which said engine is free to rotate relative to said frame (col. 2 lines 10-20, figure 2), said pivotal axis aligned other than orthogonally to the axis of the engine output shaft, and so positioned that a conical volume formed by the center of one bearing and the circle defined by the surfaces of relative motion of the other bearing contains the center of gravity of the engine (figures 1 and 2), and a load sensing transducer including parts connectable to said frame and said engine for resisting and measuring rotational forces between said engine and said frame about said pivotal axis (col. 2 lines 39-43, one of the front engine mounts is replaced with a force transducer in order to measure torque acting on the engine), said load sensing transducer having an axis of sensitivity on a plane other than any plane which includes the pivotal axis (figures 1 and 2)."

With respect to claim 17, the reference teaches a system for mounting an engine comprising a "first and second bearings (i.e. bushings) each connectable to the frame

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and the engine to form a pivotal axis about which said engine is free to rotate relative to said frame (col. 2 lines 10-20, figure 2), said pivotal axis aligned other than orthogonally to the axis of the engine output shaft (figure 1), and at least one of said bearings having rolling elements between the engine and frame (col. 2 lines 10-20 and lines 25-30, the engine mounts contain rolling elements that provide a roll rate), and a load sensing transducer including parts connectable to said frame and said engine for resisting and measuring rotational forces between said engine and said frame about said pivotal axis (col. 2 lines 39-43, one of the front engine mounts is replaced with a force transducer in order to measure torque acting on the engine), said load sensing transducer having an axis of sensitivity on a plane other than any plane which includes the pivotal axis (figures 1 and 2)."

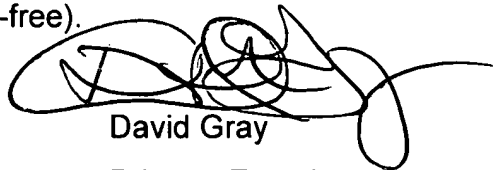
With respect to claim 25, the reference teaches a system for mounting an engine comprising a "first and second bearings (i.e. bushings) each connectable to the frame and the engine to form a pivotal axis about which said engine is free to rotate relative to said frame (col. 2 lines 10-20, figure 2), said pivotal axis aligned other than orthogonally to the axis of the engine output shaft (figure 1), and one of said bearing having a pivotal point outside of the space between the surfaces of relative motion of said one bearing (col.2 lines 61-67, figures 4-6), and a load sensing transducer including parts connectable to said frame and said engine for resisting and measuring rotational forces between said engine and said frame about said pivotal axis (col. 2 lines 39-43, one of the front engine mounts is replaced with a force transducer in order to measure torque acting on the engine), said load sensing transducer having an axis of sensitivity on a plane other than any plane which includes the pivotal axis (figures 1 and 2)."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Freddie Kirkland III whose telephone number is 571-272-2232. The examiner can normally be reached on Monday through Friday 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Gray can be reached on 571-272-2119. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'David Gray', with a large, stylized flourish extending to the right.

David Gray
Primary Examiner

FKIII